

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION

NICHOLAS KNOPIK

PLAINTIFF

V.

CASE NO. 3:15-CV-3114

COLUMBIA INSURANCE GROUP

DEFENDANT

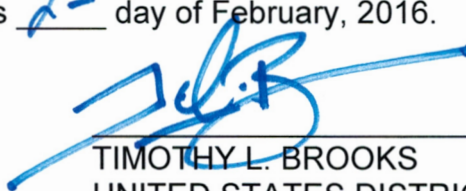
ORDER

NOW before the Court is the matter of its Show Cause Order (Doc. 8) and the Plaintiff's Motion for Voluntary Dismissal (Doc. 11) pursuant to Rule 41. The parties appeared through counsel for a hearing on February 1, 2016. After listening to Ms. Carney's explanation in response to the Order to Show Cause, and for the reasons stated from the Bench, the Court found no good cause or reason to excuse Ms. Carney's failure to comply with the Court's Initial Scheduling Order (which included her failure to appear for the January 25, 2016 case management hearing). Consequently, the Court admonished Ms. Carney, but did not impose a monetary sanction.

With regard to Plaintiff's unilateral Rule 41 Motion to Dismiss, the Defendant did not object to the dismissal, provided that it could reserve the right to seek its attorney fees and costs in the event of a subsequently re-filed complaint. Accordingly, Plaintiff's Motion for Voluntary Dismissal (Doc. 11) is **GRANTED**, and this case is **DISMISSED WITHOUT PREJUDICE**. Provided, however, that if the Plaintiff re-files an action against the Defendant—which arises out of the same or related facts and sets forth substantially similar causes of action as compared to the complaint herein—then, upon motion, the

Court retains continuing jurisdiction to award Defendant its reasonable costs and attorney fees incurred through the date of this Order. See Rule 41(a)(2).

IT IS SO ORDERED on this 2nd day of February, 2016.



TIMOTHY L. BROOKS
UNITED STATES DISTRICT JUDGE